

State of Wisconsin



2009 Senate Bill 573

Date of enactment: **May 7, 2010**
Date of publication*: **May 21, 2010**

2009 WISCONSIN ACT 259

AN ACT to create 16.964 (18) and 19.35 (7) of the statutes; relating to: public access to certain shared law enforcement records.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.964 (18) of the statutes is created to read:

16.964 (18) (a) In this subsection:

1. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b) or (e).

2. "Law enforcement investigation information" means information that is collected by the office under sub. (1m) consisting of arrest reports, incident reports, and other information relating to persons suspected of committing crimes that was created by a law enforcement agency and provided to the office by that agency for the purpose of sharing with other law enforcement agencies and prosecutors.

(b) For purposes of requests for access to records under s. 19.35 (1), if the office has custody of a record containing law enforcement investigation information, the office and any other law enforcement agency with which the office shares the information contained in the record are not the legal custodians of the record as it relates to that information. For such purposes, the legal custodian of the record is the law enforcement agency that provides the law enforcement investigation information to the office. If the office or any other law enforcement agency receives a request under s. 19.35 (1) for access to information in such a record, the office or the

other law enforcement agency shall deny any portion of the request that relates to law enforcement investigation information.

SECTION 2. 19.35 (7) of the statutes is created to read:

19.35 (7) LOCAL INFORMATION TECHNOLOGY AUTHORITY RESPONSIBILITY FOR LAW ENFORCEMENT RECORDS. (a) In this subsection:

1. "Law enforcement agency" has the meaning given s. 165.83 (1) (b).

2. "Law enforcement record" means a record that is created or received by a law enforcement agency and that relates to an investigation conducted by a law enforcement agency or a request for a law enforcement agency to provide law enforcement services.

3. "Local information technology authority" means a local public office or local governmental unit whose primary function is information storage, information technology processing, or other information technology usage.

(b) For purposes of requests for access to records under sub. (1), a local information technology authority that has custody of a law enforcement record for the primary purpose of information storage, information technology processing, or other information technology usage is not the legal custodian of the record. For such purposes, the legal custodian of a law enforcement record is the authority for which the record is stored, processed, or otherwise used.

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(c) A local information technology authority that receives a request under sub. (1) for access to information in a law enforcement record shall deny any portion of the

request that relates to information in a local law enforcement record.